

APPEAL NO. 031804  
FILED AUGUST 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 11, 2003. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on October 29, 2002, with an impairment rating (IR) of one percent as certified by the designated doctor appointed by the Texas Workers' Compensation Commission. The claimant appeals, asserting that the designated doctor's report is contrary to the great weight of other medical evidence. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The hearing officer did not err in giving presumptive weight to the designated doctor's report, and in determining that the claimant reached MMI on October 29, 2002, with an IR of one percent in accordance with that report. The difference in the opinions of the treating doctor and the designated doctor is attributable to the fact that the designated doctor determined that the claimant had reached MMI and assigned an IR while the treating doctor believed that the claimant had not yet reached MMI. We cannot agree that the treating doctor's report constitutes the great weight of the other medical evidence contrary to the designated doctor's report. Rather, this is a case where there is a genuine difference of medical opinion between the designated doctor and the treating doctor as to whether the claimant has reached MMI. We have long held that by giving presumptive weight to the designated doctor, the 1989 Act provides a mechanism for accepting the designated doctor's resolution of such differences. Texas Workers' Compensation Commission Appeal No. 001659, decided August 25, 2000; Texas Workers' Compensation Commission Appeal No. 001526, decided August 23, 2000. Accordingly, the hearing officer did not err in giving presumptive weight to the designated doctor's report and adopting the October 29, 2002, MMI date and one percent IR.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**RP  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Edward Vilano  
Appeals Judge